

# Durham Planning Academy

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December 6, 2016

Aaron Cain, AICP



# Today's Agenda

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- ☐ Comprehensive Planning
- ☐ Zoning
- ☐ Planning Department Organization

# Durham Planning Academy

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## Comprehensive Planning

Aaron Cain, AICP



# Purposes of a Comprehensive Plan

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- ❑ Generate a vision for the community
- ❑ Serve as a venue for disseminating information
  - ❖ Demographic
  - ❖ Economic
- ❑ Provide analysis of trends and issues
- ❑ Create growth management policies

# Durham Comprehensive Plan

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- ☐ Land Use
  - ❖ *Future Land Use Map*
- ☐ Housing
- ☐ Community Character
- ☐ Historic Preservation
- ☐ Economic Development
- ☐ Conservation and Environment
- ☐ Transportation
- ☐ Water and Wastewater
- ☐ Parks and Recreation
- ☐ Schools
- ☐ Public Safety
- ☐ Solid Waste
- ☐ Libraries
- ☐ Capital Improvements
- ☐ Intergovernmental Coordination

# Future Land Use Map

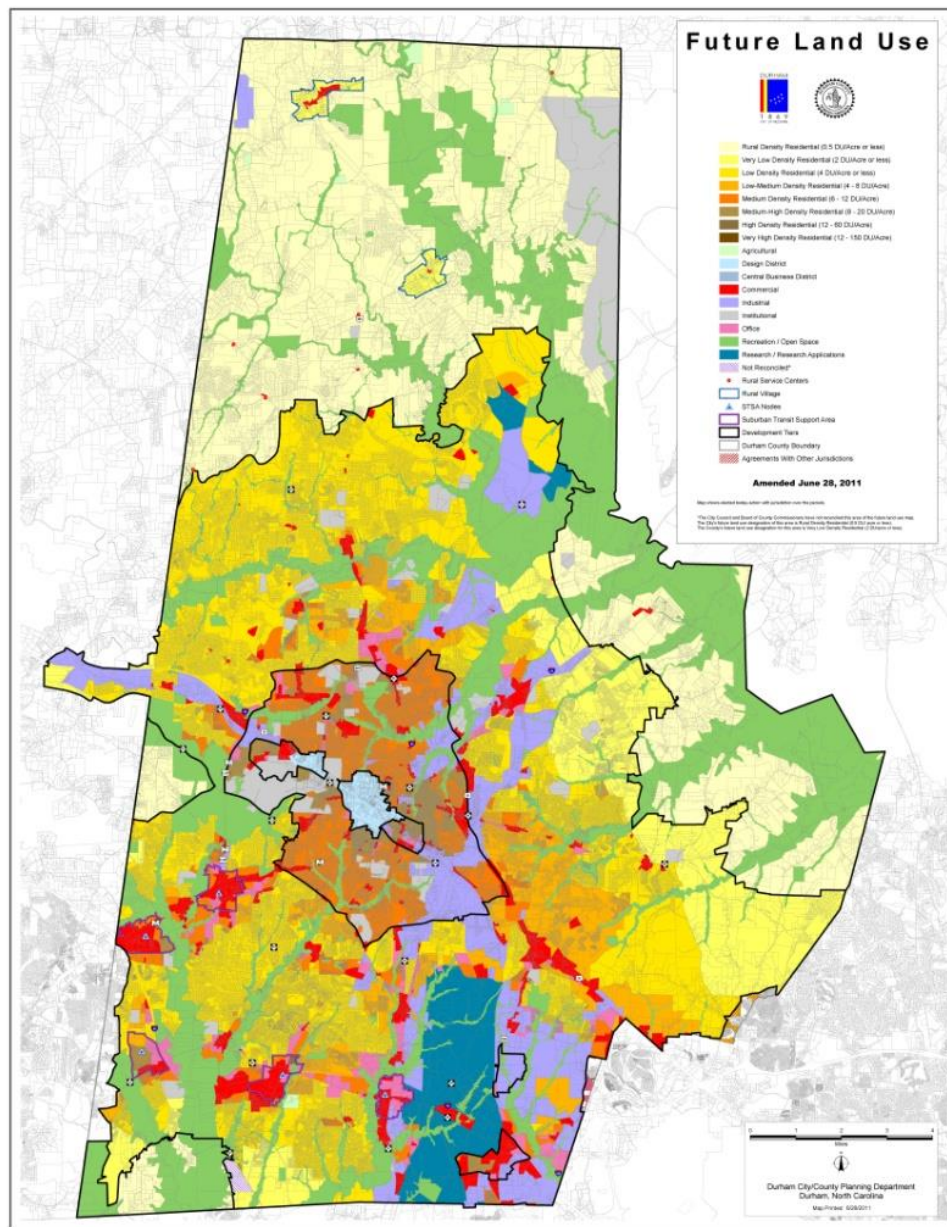
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- ☐ Statement of policy as to what types of uses are desired *at some point in the future*
- ☐ May or may not correspond with existing zoning
- ☐ If a rezoning request is not consistent with the Future Land Use Map a request to amend the map is required
- ☐ ***Policy - not law***

# Future Land Use Map Categories

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- ☐ Residential (of varying density)
- ☐ Office
- ☐ Commercial
- ☐ Industrial
- ☐ Institutional
- ☐ Design District
- ☐ Recreation and Open Space
- ☐ Research/Research Applications



# Future Land Use Map



# Development Tiers

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- ☐ Downtown
- ☐ Compact Neighborhood
- ☐ Urban
- ☐ Suburban
- ☐ Rural

# Downtown

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# Urban and Compact Neighborhood

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# Suburban

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# Rural

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# Comprehensive Plan Policies

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- ❑ Future Land Use Map amendments (plan amendments) and rezoning requests are checked against policies
- ❑ Policies are not ordinance (law)
  - ❖ Staff is bound to policies
  - ❖ Planning Commission reviews cases based on policies
  - ❖ Elected officials are not bound

# Plan Amendment Example

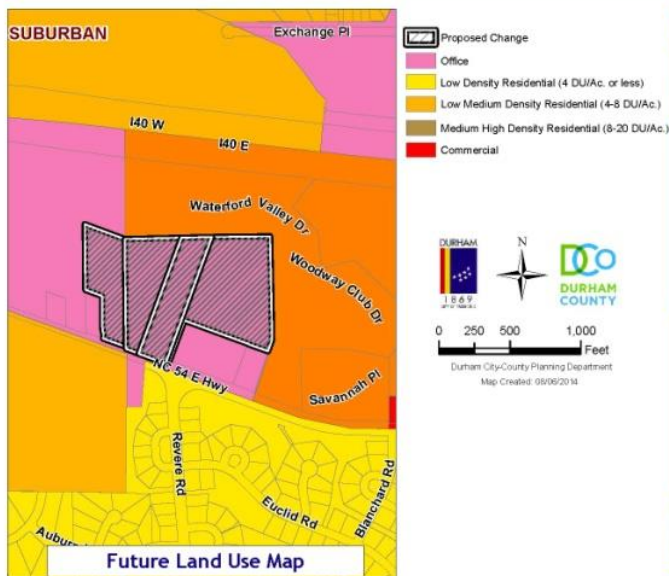
Attachment 1, Proposed Change

## Comprehensive Plan Amendment

**Applicant:**  
Hopper Communities

**Case:**  
A1400005, Highway 54 Residential

**Proposed Amendment:**  
From: Office  
To: Medium High Density Residential



- ☐ Change to policy only
- ☐ Required for a rezoning
- ☐ Council/BOCC approval not required

# Zoning and Other Planning Approvals

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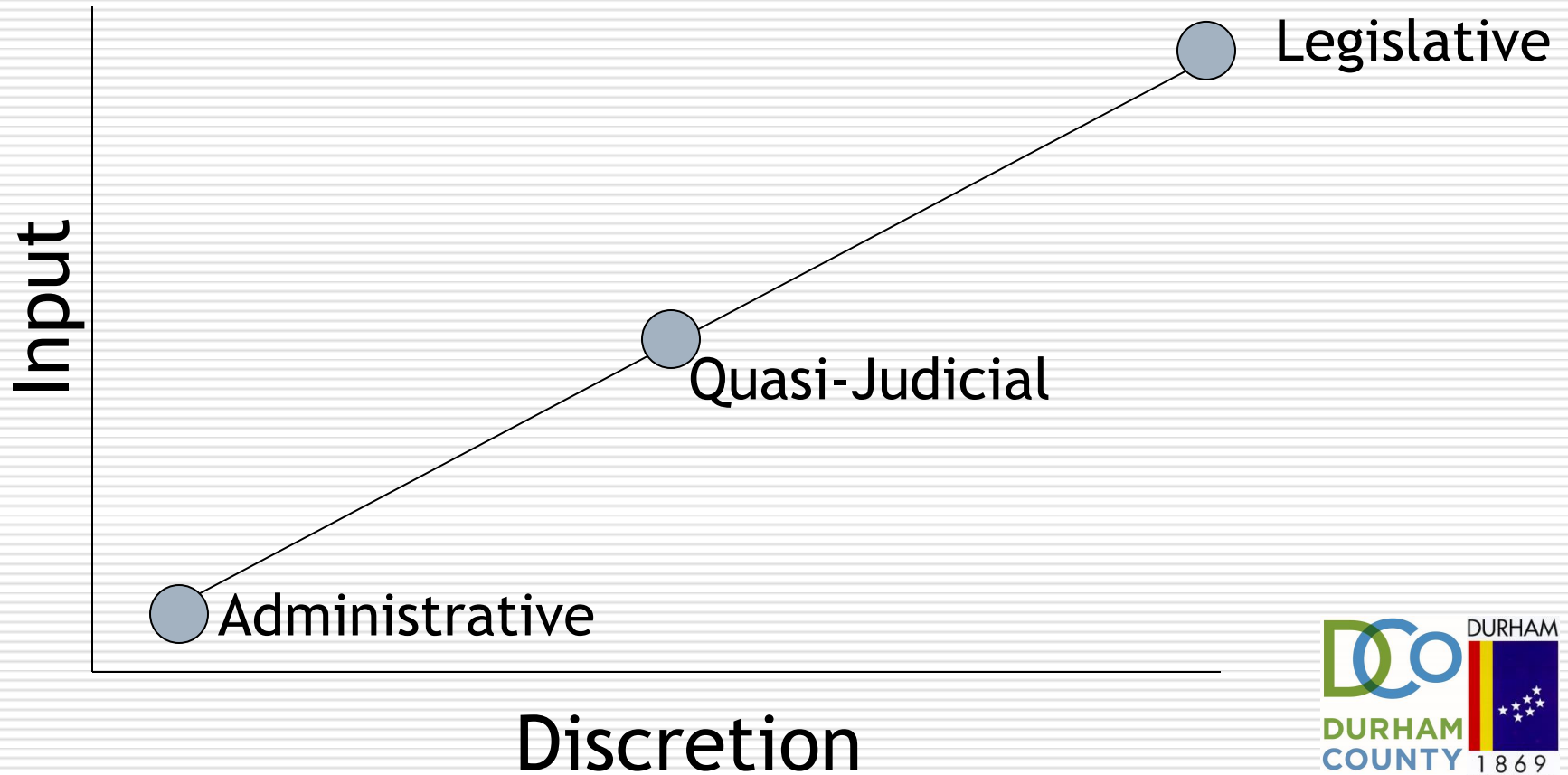




# Three Types of Approval Processes

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- ☐ Legislative
- ☐ Quasi-Judicial
- ☐ Administrative



# Legislative Decisions

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- ❑ City Council
- ❑ Maximum discretion
- ❑ Maximum public input
- ❑ Legislative authority
  - ❖ Zoning map change
  - ❖ Plan amendment
  - ❖ UDO text amendment
  - ❖ Small area plan
  - ❖ Street closings/renamings

# NIMBY and NIMTOO

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## □ NIMBY - Not In My Back Yard

- ❖ Residents fighting development near their homes

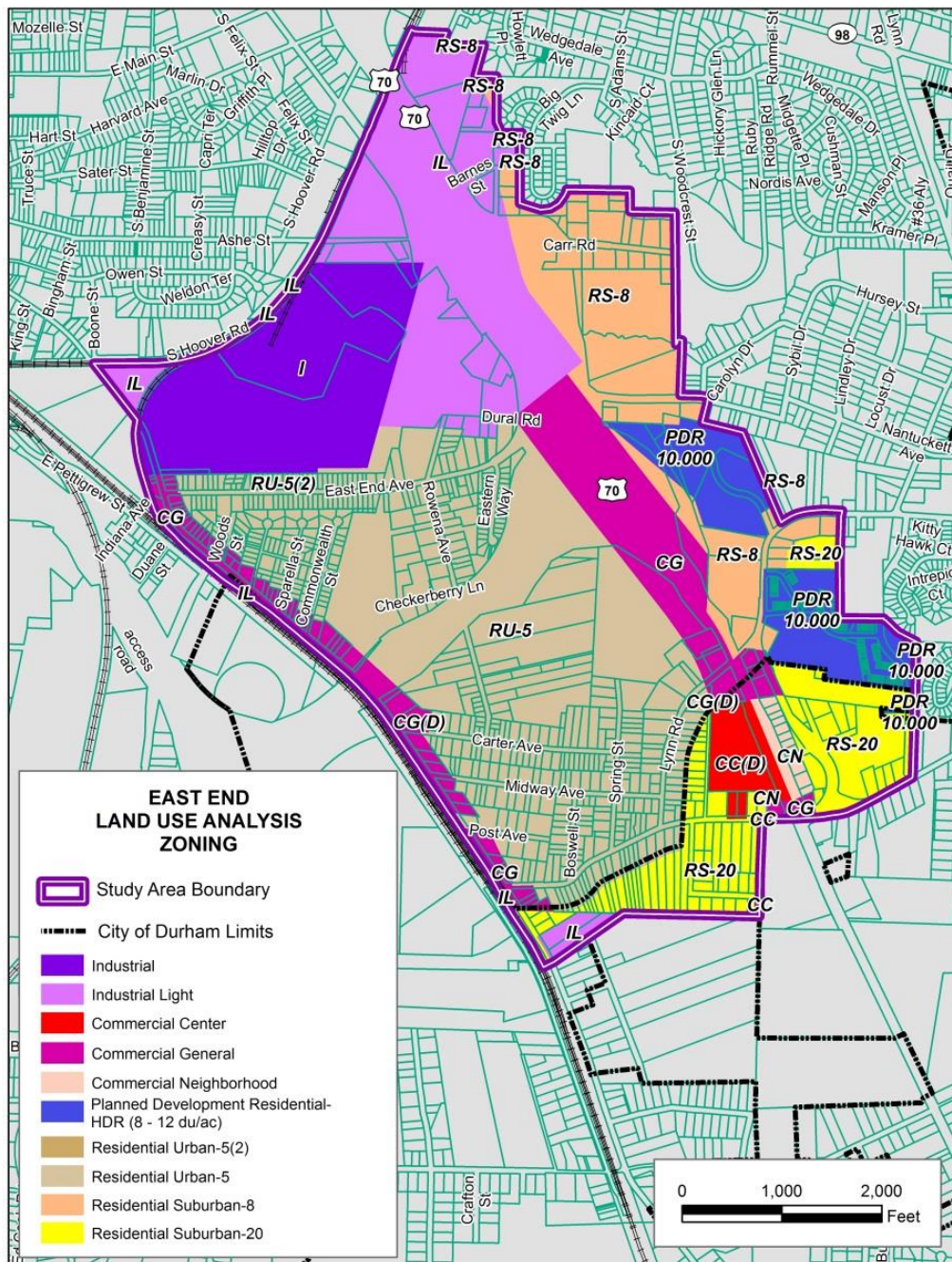
## □ NIMTOO - Not In My Term Of Office

- ❖ Elected official perspective because either:
  - The proposed development/action will not take place while they are in office (can't do ribbon cutting)
  - They don't want the development/action while they are in office (happened on their watch)

# What is zoning?

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- ❑ Most common legislative land uses decision
- ❑ Controls the rules of development on any piece of land in the City or County
- ❑ Almost all rules the same in City or County
- ❑ Enforced through the Zoning Map and the Unified Development Ordinance (UDO)



# Zoning Map

# Why change the zoning?

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- ❑ Use not allowed in current zoning district
- ❑ Intensity not allowed in current zoning district
  - ❖ Density (most often)
  - ❖ Flexibility

# What is a Development Plan?

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- ❑ Commitments equal to or greater than ordinance requirements
- ❑ Only required in CC, MU, and PDR districts
- ❑ Requirements
  - ❖ Density
  - ❖ Building and Parking Envelopes
  - ❖ Project Boundary Buffers
  - ❖ Stream Crossings
  - ❖ Access Points
  - ❖ Preservation Areas (streams, trees, wetlands, etc.)



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## SUMMARY



DURHAM  
AM TY  
1869  
CITY OF MEDICINE

# Rezoning Process

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- ☐ Pre-submittal meeting with staff
- ☐ Neighborhood meeting
- ☐ Application submittal
- ☐ Staff review
- ☐ Planning Commission
- ☐ City Council or Board of County Commissioners

# Quasi-Judicial Processes

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- ❑ Most cases heard by appointed board
- ❑ Limited discretion
- ❑ Decision based on sworn testimony
- ❑ Examples
  - ❖ Use Permit
  - ❖ Variance
  - ❖ Certificate of Appropriateness
  - ❖ Appeal

# Quasi-Judicial Processes

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## ☐ Board of Adjustment

- ❖ Variance
- ❖ Special Use Permit (Minor)
- ❖ Administrative Appeal

## ☐ Historic Preservation Commission

- ❖ Certificates of Appropriateness

## ☐ City Council/BOCC

- ❖ Major Special Use Permits

# Administrative Processes

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- ☐ Staff only
- ☐ No discretion
- ☐ No public input
- ☐ Does the proposal follow the ordinance?
- ☐ Examples
  - ❖ Site Plans
  - ❖ Plats
  - ❖ Common Signage Plans

# What is a Site Plan?

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- ☐ Detailed drawing of the proposed development
- ☐ Must demonstrate that *all* regulations in the UDO are being met
- ☐ If all regulations are met, the site plan *must* be approved

# Unified Development Ordinance

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- ☐ Use
- ☐ Height
- ☐ Building Placement
- ☐ Parking
- ☐ Project Buffers
- ☐ Riparian Buffers
- ☐ Parking
- ☐ Signs
- ☐ Landscaping
- ☐ Streets
- ☐ Subdivision
- ☐ Nonconformities
- ☐ Application Processes

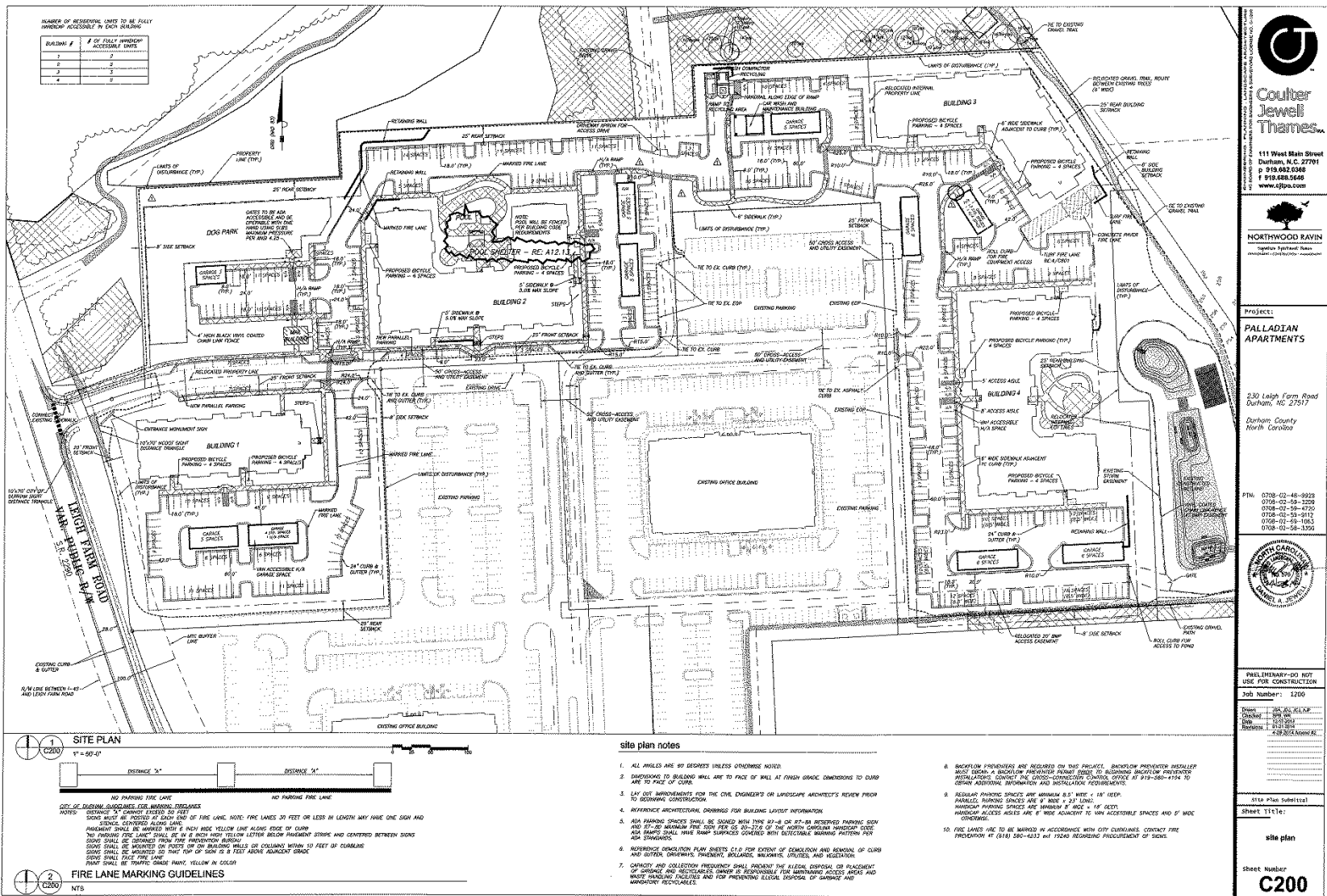
# Unified Development Ordinance

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- ☐ All local standards must meet state and federal standards
- ☐ Depending on topic, may or may not exceed state standards



# Site Plan Example



**Coulter Jewell Thames**  
111 West Main Street  
Durham, N.C. 27701  
p 919.682.5340  
f 919.688.5646  
www.cjtd.com

**NORTHWOOD RAVIN**  
Sustainable Development  
Architectural & Engineering

Project:  
**PALLADIUM APARTMENTS**  
230 Leigh Farm Road  
Durham, NC 27707  
Durham County  
North Carolina

PTM: 0708-02-48-9929  
0708-02-59-1208  
0708-02-59-1720  
0708-02-59-0111  
0708-02-59-1063  
0708-02-59-1396

PRELIMINARY-DO NOT  
USE FOR CONSTRUCTION  
Job Number: 1200

Drawn	Check	Scale
James A. Williams	James A. Williams	1" = 50'-0"

Sheet Title:  
Site Plan (submit)

Site plan  
Sheet Number  
**C200**

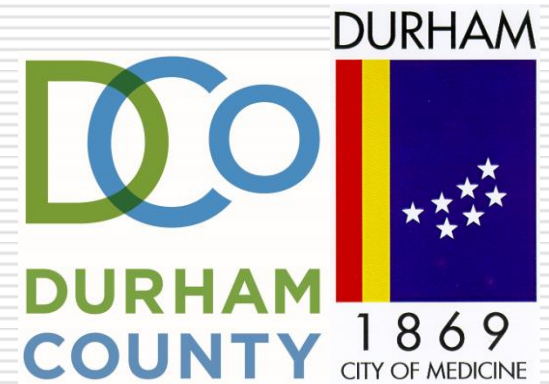
# Summary

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- ❑ Three types of approvals
  - ❖ Legislative
  - ❖ Quasi-Judicial
  - ❖ Legislative
- ❑ Comprehensive Plan is policy; Zoning is legal authority for use of land
- ❑ Unified Development Ordinance enforces zoning

# Planning Department Organization

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# Planning Department Mission Statement

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- Guide the orderly growth and enhancement of the Durham community while preserving its cultural heritage and natural resources.

# Planning Department Organization

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## Strategic

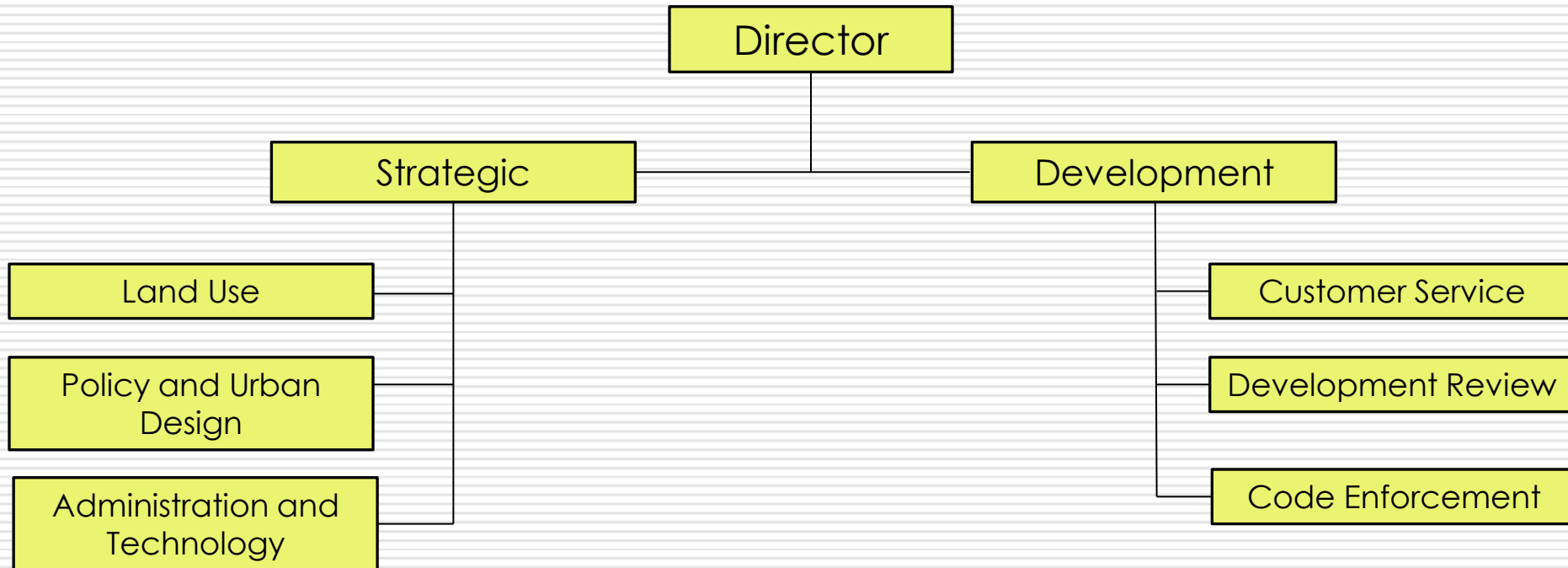


## Development



# Department Org Chart

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# Strategic Planning - Policy and Urban Design Section

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- ❑ Comprehensive Plan
- ❑ Transit Planning
- ❑ Small Area Plans  
(East End  
Connector)
- ❑ Open Space  
Planning
- ❑ Historic District  
Criteria



# Strategic Planning - Land Use

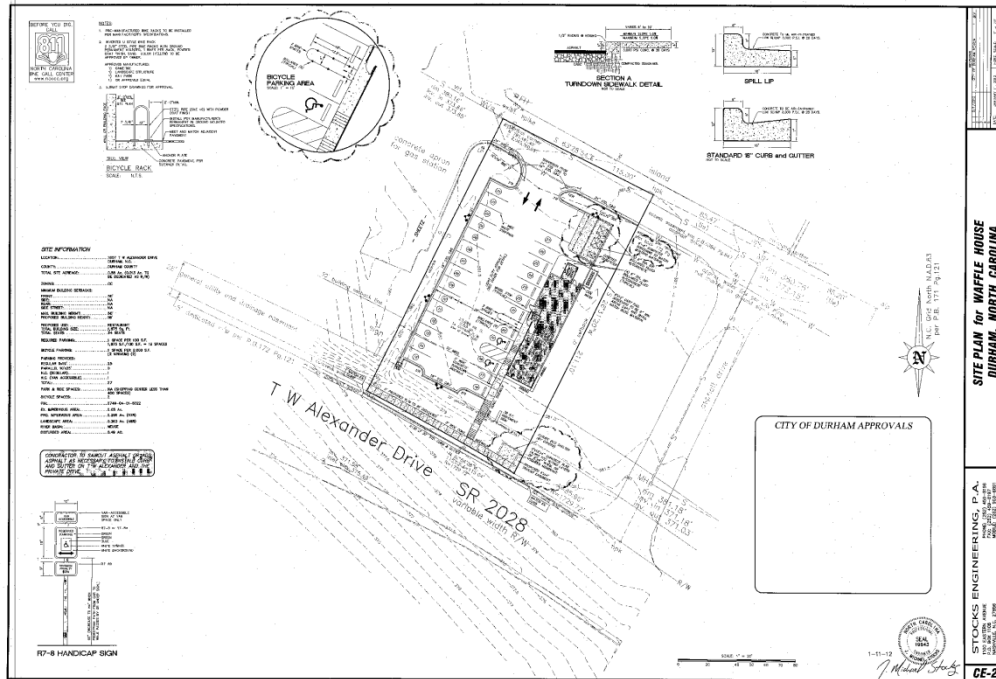
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- ❑ Zoning and Plan Amendments
- ❑ Other Legislative Actions
  - ❖ Annexations
  - ❖ Street Closings
  - ❖ Street Renamings
- ❑ Historic Preservation Commission
  - ❖ Certificates of Appropriateness
  - ❖ New Historic Districts



# Development Planning - Development Review

- ☐ Site plans and plats
- ☐ Site plan inspections
- ☐ Does the proposed development follow the ordinance?



# Development Planning - Zoning Enforcement

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## ☐ UDO Enforcement

- ❖ Cannot enforce Housing Code, Building Code, other City and County ordinances, or HOA covenants
- ❖ Complaints and proactive enforcement

## ☐ Board of Adjustment

- ❖ Variances
- ❖ Use Permits
- ❖ Appeals

# Common Violations

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- ☐ Vehicle repair and sales in residential areas
- ☐ Prohibited signs
- ☐ Parking in front yard
- ☐ Illegal use
- ☐ Livestock







# Development Planning - Customer Service

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- ❑ Five full-time planners
- ❑ Walk-in, phone, and email inquiries
- ❑ Permitting and Verification
  - ❖ Home Occupation Permits
  - ❖ ABC Compliance Letters
  - ❖ Business Verification Letters
  - ❖ Zoning Verification Letters
  - ❖ DMV Letters
  - ❖ Group Home Separation Verification

# Support for Boards and Commissions

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- ☐ Joint City-County Planning Committee
- ☐ Planning Commission
- ☐ Historic Preservation Commission
- ☐ Board of Adjustment
- ☐ Environmental Affairs Board
- ☐ Durham Open Space and Trails
- ☐ Appearance Commission

